

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In Re:)
SEARS HOLDINGS CORPORATION, et al.) Case No. 18-23538 (RDD)
) Chapter 11
)
)

**MOTION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE
EXPENSE CLAIM PURSUANT TO 11 U.S.C. § 503(b)**

AmCap Wilson II, LLC and Wilson Norridge, LLC (collectively “Landlord”), by their attorneys, S&D Law, pursuant to 11 U.S.C. § 503(b), respectfully requests that this court enter an order allowing Landlord administrative expenses herein in the total amount of \$394,618.94.

In support of this request, Landlord states as follows:

1. Debtors’ associated entity, Kmart Stores of Illinois, LLC, was the tenant under a Lease Agreement with Landlord dated February 3, 1977, as amended and assigned, for Premises located in the Norridge Commons Shopping Center at 7000-7100 West Forest Preserve Drive and 4101-4259 North Harlem Avenue, Norridge, Illinois (Store No. 9348) (“Lease”).

2. The Cook County, Illinois real estate taxes are billed to Landlord in two yearly installments which Landlord then bills to its tenants for their pro rata share. Pursuant to the Lease, the tenant is obligated to pay taxes within 10 days after notice from Landlord, accompanied by a copy of the tax bill.

3. The first yearly real estate tax installment was provided to Debtors on March 8, 2019. The total amount of real estate taxes owing is \$114,785.26.

4. The second yearly real estate tax installment was provided to Debtors on

September 13, 2019. The total amount owing is \$279,833.68, comprised of real estate taxes in the amount of \$100,387.25 and tax parcel charges in the amount of \$179,446.43.

5. Debtors have not paid the post-petition real estate taxes that are due and owing to Landlord in the total amount of \$394,618.94.

6. Landlord requests the allowance and payment of its administrative expense claim pursuant to U.S.C. § 503(b).

7. Landlord shall cause notice of this Motion to be served on the Debtors and the “Master Service List” as those terms are defined in the Amended Order Implementing Certain Notice and Case Management Procedures [Dkt. No. 405] and in the manner provided therein.

8. Landlord has made no prior request to this or any other court for the relief sought herein.

WHEREFORE, AmCap Wilson II, LLC and Wilson Norridge, LLC respectfully requests that the Court enter an order: (i) granting AmCap Wilson II, LLC and Wilson Norridge, LLC an allowed administrative expense claim in the amount of \$394,618.94 pursuant to §503(b) of the Bankruptcy Code; (ii) directing the Debtors to make payment of such allowed administrative expense claim pursuant to the Program; (iii) reserving all of AmCap Wilson II, LLC’s and Wilson Norridge, LLC’s rights to file supplemental or additional administrative expense requests with the Court for additional amounts that may become due in the future; and (iv) granting such other and further relief as this Court deems just and proper.

Dated: December 23, 2019

Respectfully submitted,

S&D LAW

By: s/ Steven W. Kelly

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ATTORNEYS FOR AMCAP WILSON II, LLC
and WILSON NORRIDGE, LLC

CERTIFICATE OF MAILING

I hereby certify that on December 23, 2019, I caused a copy of the foregoing **MOTION FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM PURSUANT TO 11 U.S.C. § 503(b)** to be served electronically through the Court's CM/ECF notification system upon the following and all other parties on the Master Service List:

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